

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CIVIL ACTION NO. 05-11803-MLW**

SHENIA DANCY-STEWART as
Administratrix of the Estate of EVELINE
BARROS-CEPEDA,
Plaintiffs,

v.

THOMAS TAYLOR, Jr., and the CITY
OF BOSTON,
Defendants.

DEFENDANT CITY OF BOSTON'S MOTION FOR SUMMARY JUDGMENT

The Defendant, City of Boston, hereby moves for summary judgment because discovery produced no facts to support actionable claims against it. In her Third Amended Complaint, the Plaintiff alleges the following against the City of Boston: (1) Count V- Survival Action. The City moves for summary judgment because the Plaintiff fails to satisfy the requisite elements of her claim.

In support of said Motion, the Defendant attaches its accompanying Memorandum of Law.

DEFENDANT REQUESTS ORAL ARGUMENT FOR THIS MOTION

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Respectfully submitted,
DEFENDANT CITY OF BOSTON,

By its attorneys:

/s/ Helen G. Litsas

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/s/ Evan Ouellette

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CERTIFICATE OF SERVICE

I, Helen G. Litsas, hereby certify that on this date I served a copy of the foregoing documents upon lead plaintiff's counsel, Andrew Stockwell-Alpert, by electronic filing and by postage prepaid, first class, U.S. Mail.

6/2/08

/s/ Helen G. Litsas

Date

Helen G. Litsas

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to L.R. D. Mass. 7.1(A)(2), I hereby certify that I communicated with Plaintiff's Attorney, Andrew Stockwell-Alpert, regarding *Defendant City of Boston's Motion For Summary Judgment*, and we were unable to narrow the issues.

6/2/08

/s/ Helen G. Litsas

Date

Helen G. Litsas